UNITED STATES PATENT AND TRADEMARK OFFICE

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OPTV/MEYERTONS
RORY D. RANKIN
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER
AUSTIN, SHELTON W

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,8,14-17 and 19-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,8,14-17 and 19-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.　　Applicant's arguments with respect to claims 1, 8, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to claims 1, 8, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30, a response is considered necessary for several of applicant's arguments since the Kostreski reference will continue to be used to meet several claimed inventions.

In response to applicant's arguments (page 10, second paragraph of Applicant's Remarks) that none of the cited art teaches a decoder or terminal with a built-in navigation application which is also configured to download alternative navigation applications configured to control the decoder, applicant should note that Kostreski clearly teaches "if the navigation program ("alternative navigation applications") is not stored in the DET, then the pressing of the 'GUIDE' button initiates a routine in the operating system ("built-in navigation application") to go to the appropriate control channel" and "[o]nce at least the program mapping portion of the software…are stored in DET memory, the DET uses that information to select program services in response to user inputs" (col. 27, lines 26-34). Therefore, Kostreski indeed teaches a decoder or

terminal with a built-in navigation application which is also configured to download

alternative navigation applications configured to control the decoder.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 8, 14, 16, 17, 20, 22, 25, 26, 28 and 29 are rejected under 35

U.S.C. 102(b) as being anticipated by Kostreski et al. (US 5,734,589).

Regarding claims 1 and 8, Kostreski et al. (Kostreski) teaches an interactive

broadcasting system and corresponding method for controlling navigation events

between a plurality of services and/or channels (col. 3, lines 62-65), including at least

one interactive decoder (Fig. 1—100), said decoder receiving broadcast applications

(col. 6, lines 36-41), applications utilized by the decoder being categorised into at least

two types of applications including a first type termed a surfer application for controlling

said navigation and having knowledge of said services (col. 13, lines 52-62; col. 15,

lines 15-32), and a second type termed a built-in banner corresponding to a built-in

application for presenting services (col. 15, line 58-col. 16, line 5; col. 27, lines 26-30),

wherein the decoder is configured to:

    identify in a broadcast stream a surfer application (col. 28, lines 12-15);

    download the surfer application (col. 13, lines 48-51);

    detect a navigation event (col. 27, lines 22-30—pressing of the "GUIDE" button);

    check whether a first surfer application is available or said decoder is under

control of a first surfer application (col. 27, lines 22-30);

    route said navigation event to the first surfer application, in response to

determining the surfer application is available or the decoder is under control of the first

surfer application (col. 15, lines 28-32; col. 27, lines 22-26); and

    route said navigation event to the built-in banner, in response to determining no

surfer application is available and the decoder is not under control of a surfer application

(col. 27, lines 31-34).

Regarding claims 14 and 22, Kostreski teaches wherein in response to detecting

said navigation event and determining the decoder is under the control of the first surfer

application, the method further comprises:

    the first surfer application entering a visible mode of operation; and selecting a

service corresponding to said navigation event (col. 27, lines 32-33).

In regards to claim 16, 17, 25 and 26, Kostreski teaches the system and

corresponding method according to claim 8 wherein the decoder is further configured to

present an interface including a list of surfers that allows the user to select one

particular surfer application from said list and to come back to said list after selection, if

desired (Fig. 5; col. 5, lines 58-66; col. 28, lines 40-52; col. 28, line 66-col. 29, line 3).

In regards to claim 20, 28 and 29, Kostreski teaches the system according to

claim 8 wherein a memory of the decoder comprises a plurality of surfer caches for

storing corresponding different surfer applications (col. 31, lines 39-49).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 15, 23, 24 and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kostreski et al. in view of Ichihashi et al. (US 5,903,262).

In regards to claims 15, 23 and 24, Kostreski fails to teach the surfer application

is stopped when an application different from the surfer application is displayed, and is

re-launched when the normal application is finished.

In analogous art, Ichihashi et al. teaches an information guide menu screen that

provides different information exchange services for presentation to the user. When the

user wishes to terminate the information exchange service, a menu button is pushed,

therefor causing the selection menu screen for information exchange having plural

selectors to appear again (col. 26, line 45-col. 27, line 5; col. 31, lines 9-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kostreski by stopping the surfer application when another application is displayed, and re-launching the surfer application upon termination of the normal application, as taught by Ichihashi, in order to give the user the ability to activate and terminate different services through simple manipulation of a controller (Ichihashi: col. 27, lines 23-27).

In regards to claim 27, Kostreski teaches the system according to claim 23 wherein the decoder is further configured to present an interface including a list of surfers that allows the user to select one particular surfer application from said list and to come back to said list after selection, if desired (Fig. 5; col. 5, lines 58-66; col. 28, lines 40-52; col. 28, line 66-col. 29, line 3).

6.   Claims 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kostreski et al. in view of Arai et al. (US 2004/0221307).

In regards to claims 19 and 30, Kostreski teaches a service browser method and surfer application, but fails to specifically teach a DVB environment and Bouquet Association Tables (BAT).

In analogous art, Arai et al. teaches a Digital Video Broadcasting (DVB) environment wherein contents common to the pieces of electronic program information of all broadcast service providers is prepared in a common electronic program information preparing unit, for example, a bouquet association table (BAT). In the BAT, names of channel services of all broadcast service providers, names of all transport

streams including the channel services, and names of bouquets are described in a list.

Each bouquet corresponds to one broadcast service provider (page 15, paragraph 219).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Kostreski by including the service browser

process to be in a DVB environment, and the surfer application to be signaled in a

Bouquet Association Table, as taught by Arai, in order to provide a common interface to

all broadcast service providers, thereby benefiting from the existing tables (Arai: page

15, paragraph 219).

7.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Kostreski et al. in view of Gordon et al. (US 6,208,335).

In regards to claim 21, Kostreski teaches the surfer application has a visible

mode of running, but fails to teach the surfer application has a transparent mode of

running.

In analogous art, Gordon et al. (Gordon) teaches the surfer application has a

transparent mode of running. Gordon teaches a navigator menu structure that is

divided up into a video layer, a graphics layer and a control layer. The graphics layer

comprises an OSD overlay, which is displayed over the video layer. As such, the OSD

layer can be used to emphasize and de-emphasize the underlying video. In particular,

the graphics can be transparent (col. 3, lines 20-30; col. 8, lines 8-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Kostreski by including in the surfer application a

transparent mode of running, as taught by Gordon, in order to allow the underlying

video that lies beneath the overlay to be seen (Gordon: col. 3, lines 29-31).

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shelton Austin whose telephone number is (571) 272-

9385. The examiner can normally be reached on Monday through Thursday from 8:00-

5:30. The examiner can also be reached on Fridays from 9:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant, whose telephone number is (571) 272-7294, can be reached

on Monday through Friday from 7:30-5:00. The supervisor can also be reached on

alternate Fridays from 9:00-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shelton Austin

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600